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NOTICE OF ALLOWANCE AND ISSUE FEE DUE

18N2/0721

BROWDY & NEIMARK
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WASHINGTON DC 20004

DOCKETED

Jfftorg = 10/21/97

| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|--|-------------|--------------|-----------------------------|---------------|
| 08/104,529 | 08/12/93 | 042 | RAILEY, J | 1805 07/21/97 |
| First Named Applicant CLASSEN, JOHN B. | | | | |

TITLE OF INVENTION: METHOD AND COMPOSITION FOR AN EARLY VACCINE TO PROTECT AGAINST BOTH COMMON INFECTIOUS DISEASES AND CHRONIC IMMUNE MEDIATED DISORDERS OR THEIR SEQUELAE

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE | DATE DUE |
|-------------------|----------------|-------------|-------------|--------------|----------|----------|
| 1 | CLASSEN1 | 424-201.100 | P43 UTILITY | YES | \$645.00 | 10/21/97 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.

III. All communications regarding this application must give application number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Notice of Allowability

Application No.
08/104,529

Applicant(s)

Classen

Examiner

J. Railey

Group Art Unit

1805



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to 30 June 1997

☒ The allowed claim(s) is/are 2-14, 16-18, 21-26, 28-34, 37, 47, 48, and 50-59

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 4

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance


GEORGE C. ELLIOTT
SUPERVISORY PATENT EXAMINER
GROUP 1800

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Iver P. Cooper on 14 July 1997.

IN THE CLAIMS:

Claim 16, line 1, "A" has been deleted and --The-- substituted therefor.

Claim 17, line 1, "A" has been deleted and --The-- substituted therefor.

Claim 18, line 1, "A" has been deleted and --The-- substituted therefor.

Claim 21, line 5, following "comprising", a colon, --:-- has been inserted. At lines 6 and 8, "(a)" has been deleted.

Claim 22, line 3, "(a)" has been deleted and "further" has been deleted. The new paragraph indent at line 3 has also been deleted.

Claim 23, line 7, following "comprising", a colon, --:-- has been inserted. At lines 8 and 11, "(a)" has been deleted.

Claim 24, line 9, following "comprising", a colon, --:-- has been inserted. At line 10, "(a)" has been deleted.

Claim 25, lines 6 and 13, "(a)" has been deleted.

Claim 26, line 4, following "comprising", a colon, --:-- has been inserted. At lines 5 and 12, "(a)" has been deleted.

Claim 28, line 5, the new paragraph indent has been deleted after "age,". At line 6, following "comprising", a colon, --:-- has been inserted. At line 7, "(a)" has been deleted.

Claim 30, line 5, following "comprising", a colon, --:-- has been inserted.

Claim 31, line 1, "A" has been deleted and --The-- substituted therefor. At line 1, following "comprising", a colon, --:-- has been inserted.

Claim 32, line 1, "A" has been deleted and --The-- substituted therefor. At line 1, following "comprising", a colon, --:-- has been inserted.

Claim 33, line 5, following "comprising", a colon, --:-- has been inserted. At line 6, "(A)" has been deleted. At line 10, following "wherein", --, (i)-- has been inserted. At line 10, following "said", "(i)" has been deleted.

Claim 34 has been amended as follows:

34. The [A] method according to claim 33, wherein [the total number of said separate doses is] at least 4 of said separate doses are administered prior to 112 days of age of said mammal.

Claim 37, line 2, "disease" has been deleted and --diseases-- substituted therefor.

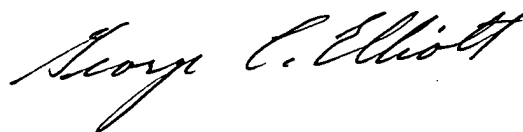
Claim 57, line 5, following "comprising", a colon, --:-- has been inserted. At lines 6 and 13, "(a)" has been deleted. At line 7, "on" has been deleted and --one-- substituted therefor. At lines 24-25, the words "said disorder," have been deleted. At line 25, a slash --/-- has been inserted between "and or".

Papers related to this application may be submitted to Group 1800 by facsimile transmission. Papers should be faxed to Art Unit 1805 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number for Art Unit 1805 is (703) 308-0294.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. F. Railey, whose telephone number is (703) 308-0281. The examiner can normally be reached on Monday-Thursday, and alternate Fridays, from 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Elliott, can be reached at (703) 308-4003. The fax phone number for Art Unit 1805 is (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.



Johnny F. Railey II, Ph.D.
16 July 1997

GEORGE C. ELLIOTT
SUPERVISORY PATENT EXAMINER
GROUP 1800